

C. REMARKS/ARGUMENTS

Applicant respectfully requests consideration of the present Amendment After Final, on the grounds that this amendment merely cancels claims 18-23 (MPEP 714.12 and 714.13, 37 CFR 1.116 (b) (1)), and requires only a cursory review by the examiner regarding claims 1-11 (MPEP 714.13) because only minor changes have been made to claims 1-11 in order to place the application in condition for allowance.

1. Telephone Conversations with the Examiner

Applicant thanks the Examiner for telephone communications dated May 12 and May 15, 2006, and for reviewing the draft Amendment After Final which Applicant faxed to him on May 15, 2006. Applicant notes with appreciation the Examiner's telephone message on May 15, 2006 stating that Applicant's proposed changes to claim 1 overcomes the Examiner's new matter rejections under 35 USC 112 first paragraph. Applicant also acknowledges the Examiner's suggestion that the preambles to claims 1-11 be changed, from "a multi-nozzle assembly" to "a multi-nozzle assembly system." Applicant hereby incorporates the suggested amendments to the preambles of claims 1-11, as shown in section B above, and as discussed in section C-2 below.

2. Rejection of Claims 1 -11 under 35 U.S.C. § 112, first paragraph

Claims 1-11 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Examiner focuses on the use of the word "programmed" in claim 1, as containing new matter:

Specifically, "a valve controller ... programmed to control"

While the apparatus is taught as capable of being controlled to perform the functions, there is no support for a "program" that enacts the controls.

Office Action pg. 2, lines 17-19.

The Examiner thus acknowledges that the apparatus is capable of being controlled to perform the functions recited in claim 1, namely to be controlled so that during a first time period, extrusion of the first material by the first and second nozzles is allowed while extrusion of the second material by the third nozzle is not allowed, then during a second time period, no extrusion by any of the first, second, and third nozzles is allowed, then during a third time period extrusion of the first material by the first and second nozzles, as well as extrusion of the second material by the third nozzle are allowed. (As explained in the previous Amendment and Response filed by Applicant on January 30, 2006, support for these recitations in claim 1 are found, *inter alia*, in paragraphs [0061], [0062], [0063], [0065], and [0076].) The examiner states however that there is no support in the disclosure for a "program" that enacts the controls.

In response, Applicant has amended claim 1, to replace the phrase "programmed to control" with "operable to control", and to replace the phrase "valve controller" with "a plurality of servo motors," literal support for which is found e.g. in paragraph [0076] of Applicant's specification

Amended claim 1 now recites: "... a plurality of servo motors ... operable to control the first, second, and third valves" By removing the word "programmed", and replacing with "operable" Applicant submits that the rejection based on lack of support in the disclosure for any program that enacts the controls recited in the claim has been overcome.

Applicant further submits that Applicant's application teaches the apparatus as being capable of being controlled to perform the recited functions, as acknowledged by the Examiner. In particular, there is literal support in Applicant's disclosure for servo motors that are operable to control the valves in the manner recited in claim 1, for example in paragraph [0076] of Applicant's specification:

"[0076] . . . A servo motor 1025 may be used to control an internal gate valve (not shown) that is used to regulate the flow of material to the exterior nozzle 1003. Similarly, a servo motor 1023 may be used to control an internal gate valve (not shown) that is used to regulate the flow of material to the interior nozzle 1007. The flow of material to the central nozzle 1011 may also be regulated in a similar or different manner."

Finally, Applicant further amends claims 1-11, to replace the preamble "a multi-nozzle assembly" with "a multi-nozzle assembly system," as suggested by the Examiner in a telephone message to Applicant on May 15, 2006.

Applicant respectfully submits that claim 1, as currently amended, is allowable. Applicant further submits that claims 2-11, which depend on claim 1, and therefore include all the limitations of amended claim 1, are also allowable.

3. Rejections of Claims 18-23 Under 35 U.S.C. § 102(b) over Moore, Melnick, Bangma, Winter, Noon, and Kustus

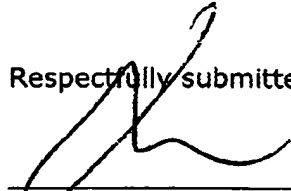
Claims 18-23 stand rejected under 35 U.S.C. § 102(b) as being unpatentable based on previously cited U.S. Pat. No. 6,170,220 to Moore ("Moore"), U.S. Pat. No. 5,664,382 to Melnick ("Melnick"), U.S. Pat. No. 5,749,196 to Bangma ("Bangma"), U.S. Pat. No. 4,833,855 to Winter ("Winter"), and based on newly cited U.S. Pat. No. 4,606,169 to Noon et al. and U.S. Pat. No. 3,562,991 to Kustus.

In response, Applicant cancels claims 18-23.

CONCLUSION

On the basis of the foregoing amendments, Applicant respectfully submits that pending claims 1-11, as well as previously allowed claims 12-17, are now in condition for allowance. An early and favorable action is therefore earnestly solicited.

Respectfully submitted,



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Marc E. Brown, Reg. No. 28,590

McDermott Will & Emery LLP
2049 Century Park East, Suite 3400
Los Angeles, California 90067
Phone: (310) 277-4110
Fax: (310) 277-4730